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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,450	11/06/2003	Masaru Suzuki	244990US2SRD	7606
22850	7590	05/03/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHEN, TE Y	
			ART UNIT 2161	PAPER NUMBER
			NOTIFICATION DATE 05/03/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary  
for Applications  
Under Accelerated Examination**

Application No.

10/701,450

Applicant(s)

SUZUKI ET AL.

Examiner

Susan Y. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Since this application has been granted special status under the accelerated examination program,  
NO extensions of time under 37 CFR 1.136(a) will be permitted and a **SHORTENED STATUTORY PERIOD FOR  
REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,**  
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a *Quayle* action.  
(Examiner: For **FINAL** actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.  
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 3) ☒ Claim(s) 11,12,15,16,21 and 22 is/are pending in the application.  
3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
5) ☒ Claim(s) 11-12, 15-16, 21-22 is/are rejected.  
6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 8) ☐ The specification is objected to by the Examiner.  
9) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
• See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb. 07, 2007 has been entered.

This office action is in response to the amendment filed on Feb. 07, 2007.

Claims 11-12, 15-16 and 21-22 are pending for examination, claims 1-10, 13-14, 17-20 have been canceled, and claims 21-22 have been newly added.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-12, 15-16 and 21-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable

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one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The instant disclosure appears to be a direct translation of a foreign language into English, as such, it contains numerous grammatical and idiomatic errors throughout. For example, at Page 10, lines 7-8, Applicant cited "A structured data storing unit 101 stores commodity information data..." however, at Page 15, line 1, the structured data storing unit has a mistyped unit 102, which is not consistent with the citation at page 10. Furthermore, at page 15, lines 4-6, it cited "step S1 corresponds to a process for extracting sub-trees after a <commodity information> tag...", which contradicts with "read out one < commodity information>" action of step S1 as shown in Fig. 7. In addition, the instant specification is silent about the metes and bounds of the recited sub-trees, the links of the recited sub-trees, the claimed element name, labels, and element values, as such, the instant specification is not in such a way as to enable one skilled person in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-12, 15-16 and 21-22, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 11-12, 15-16 and 21-22, it is not understood what does the claimed "label" refer to (i.e., Is it referred to a "type" as cited in Page 13, line 19? Or one of the element-value patents as cited in page 14, lines 10-11 of instant amendment? Or others?) In addition, the instant specification fails to disclose the links between the claimed "label", "element name" and "element value", thus, it renders the claims as indefinite.

As to claim 16, exception the indefinite limitations discussed above, it is also uncertain what does the claimed "a first acquiring unit", "a second acquiring unit", "a third acquiring unit", "a forth memory", "an extracting unit", "a first retrieval unit" and "a second retrieval unit" refer to?

Because the ambiguous nature of instant invention, the following art rejection is to the best the examiner is able to ascertain.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-12, 15-16 and 21-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Lennon et al. (U.S. Patent Publication No. 2003/0018607).

As to claim 11, Lennon et al. (hereinafter referred as Lennon) discloses a data retrieval method comprising:

storing a plurality of structured data items in a first memory, each of the information data items including one or more elements, each of the elements having an element name and an element value [e.g., the local metadata storing units: 106, 107, 110, 112, 111, 114, Fig. 1 and associated texts].

storing a plurality of element-value-patterns and a plurality of labels which correspond to the element-value-patterns respectively in a second memory to [e.g., the stored XML schema in the XML repository 200, Fig. 2 and associated texts, sections: 0068-0071] .

acquiring from the second memory at least one label which corresponds to the element name of each element by comparing the element value of each element with the element-value-patterns, the label corresponding to one of the element-value-patterns which matches the element value [e.g., the media browser 101, Fig. 1 and associated tests];

acquiring a plurality of data sets each including the label and the element name of each element whose element value matches one of the element-value-patterns corresponding to the label [e.g., e.g., the metadata server at sections: 0009-0014];

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storing the data sets in a third memory [e.g., the metadata stored in a remote legacy database 210, Fig. 2]

inputting a search request including a keyword and one of the labels [e.g., the use of media browser (101, Fig. 1) to selects to view or play the item of stored XML description as cited in Section 0063 and Fig. 4 with associated texts];

retrieving from the third memory one of the data sets which includes the one of the labels included in the search request, to obtain the element name included in the one of the data sets [e.g., the use of URI technique at Sections: 0063-0065];

retrieving from the first memory one of the structured data items which includes a first element whose element name is equal to the element name included in the one of the data items and a second element whose element value includes the keyword [e.g., Section: 0063, Fig(s). 4-5 and associated texts];

outputting the element value of the first elements [e.g., the use of GUI interface to outputting the element value of the first elements as shown by the unit 400, Fig. 4 and associated texts].

As to claim 12, this claim recites the same limitations as claim 11, except it claims that the input query is expressed in nature-language, which is deemed to be met by the conventional query request of a internet browser, thus, this claim is rejected for the same reason.

As to claims 15-16 and 21-22, these claims recite the same features as claims 11-12, in form of computer apparatus and computer readable storage medium, hence, are rejected for the same rational.

### ***Response to Arguments***

Applicant's arguments with respect to claims 11-12, 15-16 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 101) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen  
Examiner  
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April 19, 2007